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C O N F I D E N T I A L SECTION 01 OF 02 MANAMA 002013

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SUBJECT: OFFICIALS HIGHLIGHT MOTIVES FOR STRIKE BAN

REF: A. BELL-BONDY DECEMBER 7 EMAIL
[1B](#). MANAMA 1979
[1C](#). MANAMA 1175

Classified By: Ambassador William T. Monroe, reasons 1.4 (b) and (d)

SUMMARY

[11](#). (C) GOB officials state that the sector-specific strike ban issued November 20 is consistent with regulations called for in the recently revised Bahraini Workers' Trade Unions Law. It was intended to be applied on a case-by-case basis to prevent strikes that could threaten national security or welfare. Officials appear open to modifying the ban, Executive Order (E.O.) 62, consistent with Bahrain's previous commitments to international labor standards. End Summary.

STRIKE BAN TO BE APPLIED SELECTIVELY

[12](#). (C) Commenting on Prime Minister Shaikh Khalifa Bin Salman Al Khalifa's November 20 issuance of E.O. 62, which extended the range of sectors for which strike activity could be banned, Ministry of Cabinet Affairs Director of Legal Affairs Dr. Jameel Al-Alawi told EconOff December 6 that the order merely represented a clarification that had been foreshadowed by the recent revision of the Worker's Trade Unions Law, which contains Bahrain's right-to-strike provisions (Refs. B and C). That amendment gave the Prime Minister the authority to identify key industries where strikes would harm national security or disrupt the lives of citizens, and would thus not be permitted.

[13](#). (C) Dr. Jameel said that contrary to some interpretations, the move was not a retreat from Bahrain's commitment to honor international labor standards on collective bargaining. Instead, the GOB views E.O. 62 as the logical next step in the evolution of their labor law framework. (Note: Bahrain's recent amendment to the Worker's Trade Unions Law further stipulates that labor disputes at any entity deemed a "vital installation" shall be resolved through arbitration. End Note.)

[14](#). (C) Dr. Jameel did note that the E.O. had been drafted by the Ministry of Labor without his input. He believed that the MoL drafters had focused on preventing social disruption and that they had not given thought to ensuring that the

sectors they had identified did not conflict with Bahrain's international labor treaty commitments. However, he said the GOB had deliberately elected to identify these key sectors by Prime Ministerial decree because decrees such as this executive order could be selectively applied and easily modified, unlike actual laws. He predicted that the government would readily amend the decree if labor treaty conflicts were pointed out to MoL officials.

¶5. (C) Labor Market Regulatory Authority Deputy Chief Executive Ausamah Al Absi told EconOff December 4 that although E.O. 62 had broadly identified several vital sectors, it was deliberately general so as to allow the government the flexibility to apply it on a case-by-case basis, in line with the national interest. For example, he said the provision against strikes at bakeries was never intended to apply to all bakeries; he said it was actually drafted to prevent strikes at Bahrain's sole flour mill.

¶6. (U) Per Ref. A request, an unofficial translation of E.O. 62 is provided as follows:

(Begin unofficial translation)

Prime Ministerial Executive Order Number 62 of 2006

Calls for demonstrations and strikes are banned at vital installations. Vital installations are designated as: security, civil defense, airports, seaports, health centers and pharmacies, all means of transportation of people or products, telecommunications, electricity, water, bakeries, educational institutions, and oil and gas.

(End unofficial translation)

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COMMENT

¶7. (C) GOB officials appear not to have anticipated concern elicited by E.O. 62. The order seems to have been drafted without the benefit of expert legal counsel. If that is the case, it indicates bureaucratic clumsiness, but probably is not a sign of any labor policy reversal. Post awaits Washington guidance (Ref. B) on engaging local officials to shape any appropriate modifications of E.O. 62, consistent with Bahrain's previous commitments in the face of international labor standards. End Comment.

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